

MEC News

Missouri Ethics Commission
James Klahr, Executive Director

VOLUME 37

January 2018

2018 Personal Financial Disclosure (PFD) filing deadlines

2018 Candidates:

If you are required to file a PFD as a candidate in the April or August elections, the due dates are:

Election Date	14-Day Due Date	21-Day Due Date
April 3, 2018	January 30, 2018	February 6, 2018
August 7, 2018	April 10, 2018	April 17, 2018

Failure to file by 14-day due date will result in \$10 a day late fees. Failure to file by the 21-day due date will result in disqualification and removal from the ballot, unless your subdivision has a conflict of interest ordinance or policy on file with the MEC. If filing deadlines are then not met, penalties (if any) are assessed by the subdivision according to its ordinance.



In 2018, the MEC is marking 25 years since its founding. In recognition, MEC will be hosting an open house on Friday, March 9 at our offices. More details to follow on our website.

CANDIDATE CENTRAL

A resource for navigating through record-keeping, reporting and committee requirements. [Get started](#)

Campaign Finance FAQs

Candidates & committees can find answers to common questions [here](#)

Inside this issue:

- PFD Filing Requirements
- Candidate Central/FAQs
- Article VIII, Section 23
- Lobbyist Reminders
- MEC Employee Spotlight
- Ballot Measure:
Use of Public Funds

Article VIII, Section 23

Contribution Limits & Prohibitions - Candidates

- Provisions impose campaign contribution limits on candidates for state office including statewide offices, legislative offices and judicial offices
- There are no contribution limits on candidates for local offices*
- A candidate committee cannot accept contributions from or make contributions to another candidate committee
- Corporations or labor organizations are prohibited from making contributions (monetary or in-kind) to political parties or candidate, exploratory, and political party committees. (See opinions, 2017.02.CF.005, 2017.02.CF.006 and 2017.03.CF.00)

While the contributions limits do not apply to local candidates*, there are numerous provisions that apply to all candidate committees, including local candidates. These provisions deem candidate committees:

- **Cannot** make contributions to political action committees/continuing committees (PACs)
- **Can** receive contributions from (PACs)
- **Can** make contributions to political party committees
- **Can** receive contributions from political party committees

*Some municipalities have local contribution limits (e.g., Kansas City). Verify with governing body.

Questions about contribution limits?

Find Advisory Opinions and FAQs related to MO Constitutional Article VIII, Sec. 23 [here](#)

Our Mission: The MEC serves the public interest by promoting and maintaining transparency, accountability, and compliance with campaign finance, lobbying, and conflict of interest laws. We educate and assist the citizens of Missouri, public officials, lobbyists, and those participating in public elections by increasing awareness and understanding of the law. We investigate and enforce these laws consistently.

Lobbyist Reminders

Lobbyist Renewal was due Jan 5th, 2018. If lobbying, must register **within five days** of beginning lobbying activity.

Verify current registration info by logging-in to lobbyist e-file system.

List of Principals and Legislative Action Report:

This report is filed twice each year due on March 15 and May 30 and filed with MEC. Include general description of proposed legislative action which the lobbyist (or lobbyist principal) supported or opposed.

Lobbyist Reporting System

The MEC is currently working toward revamping its lobbyist reporting system. We anticipate the system being operational sometime after the 2018 legislative session. Some of the features being considered are mobile friendly reporting and the ability to file an expenditure as it occurs (we call it a quick expenditure). If you have an interest in testing the system, please [contact us](#).

Lobbying Requirements

Sections [105.465 & 130.097](#), RSMo



Any person who registers as a lobbyist and also has a candidate committee must dissolve the candidate committee and disburse all money of the committee by:

- Returning a contribution to the person or entity making the contribution,
- Donating to a 501(c)(3) nonprofit entity, or
- Transferring funds to a political party committee.

No person who registers as a lobbyist can transfer funds from any committee such person controls to another committee controlled by a candidate or public official.

For additional information regarding lobbyist requirements see, [advisory opinions](#) and [Lobbyist FAQs](#)

MEC Employee Spotlight

Kristy Englebrecht (Auditor/Investigator)

It is our pleasure to introduce the newest member of the MEC team, Kristy Engelbrecht. As an Auditor/Investigator for the Commission, Kristy will bring significant experience working on investigative matters from both the Division of Alcohol and Tobacco Control and more recently with the Missouri Department of Social Services, Family Support Division. In addition to her investigative experience, Kristy has experience working as a paralegal with the Missouri Public Service Commission

Ballot Measures: Use of Public Funds

Is your jurisdiction placing a question on the ballot?

If your public body anticipates putting a ballot measure before the voters in 2017, please be aware of Section 115.646, RSMo. That law provides that:

No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office. This section shall not be construed to prohibit any public official of a political subdivision from making public appearances or from issuing press releases concerning any such ballot measure.

How to:

Search "Use of Public funds" decisions

1. Go to the [MEC website](#)
2. Choose [Commission Business](#) at the top of the page.
3. At the very bottom of the Commission Business page click [Commission Actions](#)
4. Click **Advanced Search** (third gray tab on the right)
5. Go to **Step 3** and select Complaint Category, Use of Public Funds
6. Click **Search**

Advisory Opinions

The Commission has also issued previous opinions about Use of Public Funds. To view them:

1. Go to the MEC [Conflict of Interest Page](#)
2. Next select the [Advisory Opinions](#) link
3. Then choose **Opinion Topic:** Conflict of Interest
4. Choose **Category:** Use of Public Funds

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Follow us!

Commission Update

The Missouri Ethics Commission is composed of 6 Commissioners who are appointed by the Governor with the advice and consent of the Senate. The Commissioners' primary roles are to determine the action to take on complaint investigations and audits, consider and issue Commission opinions on questions received about ethics laws, and make determinations on late fee appeals by candidate committees.

On March 15, 2018, three Commissioners completed their terms of service. The Governor appointed two individuals on April 13. The Senate must approve these nominees before they may serve.

While the Commission is required to have a quorum of at least 4 members in order to conduct Commission business, the Executive Director and Commission staff are able to handle the Commission's day-to-day operations without the need to convene the Commission.

Inside this issue:

Commission Update

Have you filed your PFD?

Lobbying Report Due

Training Information

Contribution Limits

Campaign Finance Reminders

Have you filed your PFD?

Candidate Filers: April 17th deadline is fast approaching!

If your name was submitted to our office as a candidate required to file a Personal Financial Disclosure (PFD) statement, then you should have filed your PFD by **5:00 pm on Tuesday April 10, 2018** (or post-marked by April 9, 2018).

If the PFD is not filed by 5:00pm Tuesday April 17, 2018 you will be disqualified as a candidate for the August primary election.

Annual Filers

If you are not a candidate but are required to file a PFD because of the position held in 2017, you must submit a PFD on or before Tuesday May 1, 2018.



E-File your PFD

1. Complete [PFD E-Filer Account Request](#)
2. Upon receipt of your MEC Online ID & Password (sent to the email address provided), [log-in to the PFD E-Filing System](#)

For more info, see [The MEC Guide to PFD](#).



Lobbying Report Due

List of Principals & Legislative Action—Due May 30th

Avoid these common reporting errors:

- Only one report is required per principal; any one of multiple lobbyists that are registered to lobby on behalf of a principal may report for that principal.
- Must include general description of the proposed action; may provide the bill number but also include brief description of the bill.
- Report includes the lobbying of any action by an official agency, board or commission of state government (ex: if lobbying the head of a state agency, that action is reportable).

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Training Information

Campaign Finance Webinars

Now on demand!

Topics for new candidates/committees and their treasurers.

Campaign finance:

- [Record Keeping](#)
- [Reporting](#)

Visit the [training schedule](#) to browse available in-person, and webinar sessions.



Is your organization, association, or political subdivision having a meeting or conference?

The Missouri Ethics Commission can conduct trainings on topics such as conflict of interest, use of public funds, personal financial disclosure, and campaign disclosure requirements.

To schedule, send a request to:
training@mec.mo.gov

Reminder: Contribution Limits and New Provisions

- Contribution limits of \$2,600 per contributor/per election apply to candidates for statewide offices, state legislative offices and judicial offices
- There are no contribution limits on candidates for local offices. (Some municipalities have local contribution limits (e.g., Kansas City). Verify with governing body.)
- While the contributions limits do not apply to local candidates, there are numerous provisions that apply to all candidate committees, including local candidates. Under these provisions, candidate committees:
 - **Cannot** accept contributions from another candidate committee
 - **Cannot** make contributions to another candidate committee
 - **Cannot** make contributions to PACs
 - **Can** receive contributions from PACs
 - **Can** make contributions to political party committees
 - **Can** receive contributions from political party committees
- Labor organizations are prohibited from making contributions (monetary or in-kind) to political parties or candidate committees, exploratory committees, and political party committees
- Corporations and Missouri LLCs that elect to be classified as a corporation under federal tax code are prohibited from making contributions (monetary or in-kind) to political parties or candidate committees, exploratory committees, and political party committees.
- No political party shall accept aggregate contributions from any contributor that exceed \$25,000 per election at the state, county, municipal, district, ward, and township level combined

See [Advisory Opinions](#) and [FAQs](#) related to MO Constitutional Article VIII, Sec. 23 for additional information.

CF Requirements and Tips

- Successful candidates must file 30 Day After Election Report (if have expenditures or contributions made) BEFORE being sworn-in. Time period is from day after last report closed through the day before the swearing-in.
- To aid in recording and importing contributions and loans received, itemized expenditures all over \$100, and contributions made, filers can use the Import Function in the e-filing system.
- View [Excel Template](#), [Import Function Tutorial](#), and [Import Specifications](#).
- Business cards used for campaign purposes are considered printed material, see [Campaign Materials Identification Requirements](#) (Paid-for-by) Brochure.

AUGUST
7TH
PRIMARY

Personal Financial Disclosure

- Due 4/10/18
- After 4/10/18 - late fees at \$10/day
- After 4/17/18 - Disqualification & removal from ballot

Forming a Committee

- PAC form by 6/8/18
- Other committees form by 7/8/18

April Quarterly

- (Due if committee formed before 3/31)
- Due 4/16/18 (Closes 3/31/18)

40 Day Before

- N/A

July Quarterly

- Due 7/16/18 (Closes 6/30/18)

8 Day Before

- Due 7/30/18 (Closes 7/26/18)

★ 8/7/18 Election Date

30 Day After

- Due 9/6/18 (Closes 9/1/18)

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James Klahr, Executive Director

VOLUME 38

JULY 2018

Commission News

NEW COMMISSIONER: Wayne Henke

The Missouri Ethics Commission is pleased to announce that Wayne Henke was named as our newest Commissioner. Wayne earned his bachelor's degree from University of Missouri-Columbia, served in the Missouri House from 2003-07, served as the Lincoln County Assessor, and was a member of the Silex R-1 School Board.

Mr. Henke fills the seat vacated by Bill Deeken. Commissioner Henke's four-year term will run through March 15, 2022.

NEW RULES

Commission Rules [1 CSR 50-5.010](#) and [1 CSR - 50.020](#) go into effect August 8, 2018, the first day of the November 2018 General Election Cycle. These rules relate to registration and reporting requirements for out-of-state committees, including federal political action commit-

tees, with the Missouri Ethics Commission (MEC). The following are some answers to questions we have been receiving about the implementation of the rules.

Where in the state must the Treasurer reside?

The treasurer may reside anywhere within the State of Missouri

Why is there an Emergency Rule and an Order of Rulemaking?

The rules in substance are the same. The emergency rule was filed in order to have an earlier effective date of August 8, 2018, the beginning of an election cycle. While the emergency rule has a February expiration date, the rule will remain in effect.

See more frequently asked questions on our [website](#).

MEC EXECUTIVE DIRECTOR ANNOUNCES RESIGNATION

James Klahr is resigning his position effective Thursday, July 5 to assume the position of Deputy Director with the Missouri Veterans Commission.

Upon announcing his departure Director Klahr said, "I appreciate the dedication of the MEC staff to the goals of educating candidates and public officials, making campaign finance reports and lobbyist reports easily accessible to the public and enforcing the ethics laws. It has been my honor to serve as Director for the past 4 ½ years."

The Commission will consider the process for selecting a new Executive Director in the coming weeks.

Political Subdivisions: Important Dates

Annual Operating Budget (See below, E-File: AOB)

In order to identify persons required to file a Personal Financial Disclosure (PFD) statement, political subdivisions must confirm to the MEC whether their Annual Operating Budget (AOB) is:

Over \$1 million or \$1 million or under

E-File: AOB

Starting July 4th, through August 6th, go to our [website](#) and:

1. Under Login, enter your Subdivision ID, then click Sign In. On the next page enter your password, then click Log-In (use your political subdivision's log-in information)
2. Update subdivision contact information, if necessary.
3. Confirm your AOB (you will receive email confirmation)

Conflict of Interest Ordinance/Resolution

If you adopt a new ordinance (or re-adopt your current ordinance), the deadline is **Sept 15th**. The ordinance must be adopted (or re-adopted), every two years, at an open meeting. A certified copy must be mailed to MEC within 10 days of the adoption (or re-adoption).

If you do not adopt (or re-adopt) a conflict of interest ordinance or resolution, ALL elected, appointed, and decision making personnel, as well as candidates, are required to file a PFD.

See [§105.485 RSMo](#) for minimum ordinance requirements (see also, [sample ordinance](#)). In addition to the minimum requirements, consider including the following:

- Penalties for late filing, failing to file or follow ordinance, etc.
- Filing requirements for candidates.

Inside this issue:

Commission News - Political Subdivisions - Campaign Finance Tips - Important Dates

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**Paid-for-by
Disclaimer
Requirements**

Keep in mind, paid-for-by disclaimers must be presented on the face of all printed material (including but not limited to business cards, ads, and signs) in a clear and conspicuous manner.

Review requirements and avoid common mistakes before ordering your printed materials by reviewing, no, make that **carefully reviewing**, our [Paid-for By brochure](#). Did we make that sound important? Good. It could save you time and money.

Registering or Amending a Committee?

If so, use the new online [Statement of Committee Organization](#). Remember, the form **must be**:

**Printed,
Signed,
and Mailed** to the MEC.

Once formed, use the [Candidate/Committee Checklist](#) to keep on track.



For additional information, watch the [Campaign Material ID Requirements](#) tutorial.

FAQ

Campaign Finance FAQs
Find answers to the most common questions 24/7.

Quarterly Report

We experience increased call volumes as we approach due dates. To avoid the wait start early.

Independent Expenditures Made to Support or Oppose a Candidate or Ballot Measure by a committee must be reported on the supplemental form of the same name in the electronic filing system. When a committee makes (incurs) an expenditure for or against a candidate or ballot measure it must report the expenditure and for whom the expenditure was made. Each expenditure is listed in multiple areas of the report. The committee that made the expenditure supporting or opposing a candidate or ballot measure would do the following.

1. Report the expenditure to the vendor as an itemized expenditure (or as Expenditure of \$100 or Less by Category).
2. complete the section Expenditures Made to Support or Oppose a Candidate or Ballot Measure and
3. report as an In-Kind Contributions Made if the receiving committee or candidate gave consent or coordination.

Important Dates

DATE	REPORT/EVENT
July 4	Independence Day MEC Office Closed
July 5	30 Day after Report for the June 5th election. \$10/day late fee. Closing Date (date reported through) - June 30 Only required if: spent money (made contributions or expenditures (whether paid or incurred for that election); or, debt is more than \$1,000; and, if required, <u>must be filed before taking office</u> .
July 8	Candidate Committee Organization Deadline for August 7th, 2018 Election
July 16	July Quarterly Report - All committees must file. Closing Date (date reported through) - June 30. \$10/day late fee .
July 30	8 Day Before Report for the August 7th Election Closing Date (date reported through) - July 26 NOTE: Only required if spent money (made contributions or expenditures (whether paid or incurred for that election.) Candidate Committees: \$100/day late fee , other committees: \$10/day.
Sept. 6	30 Day After Report for the August 7th Election Closing Date (date reported through) - September 1 Only required if: spent money (made contributions or expenditures (whether paid or incurred for that election); or, debt is more than \$1,000; and, if required, <u>must be filed before taking office</u> .

NOTE: Candidates cannot take office until all campaign finance disclosure reports have been filed. If unsuccessful, and have more money on hand than debt, terminate the committee. If more debt than money on hand, can convert to Debt Service Committee (may only accept contributions to pay off debt, no other activity).

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MEC News

Missouri Ethics Commission
Elizabeth L. Ziegler, Executive Director

VOLUME 39

OCTOBER 2018

MEET THE MEC – SENIOR STAFF

Liz Ziegler – Executive Director

Liz joined the staff of the Missouri Ethics Commission as General Counsel in August 2006. She was the Commission's first attorney on staff. She served 8 years as a Missouri Assistant Attorney General in the Criminal Division and over 13 years as the Executive Director of the Missouri Office of Prosecution Services. Liz began her duties as Executive Director in July of 2018.

Stacey Heislen – Assistant Director

Stacey has served continuously with the Missouri Ethics Commission since May 1994. She was named Assistant Director in 2008. She has served in many different capacities throughout her tenure with her primary duties focused on fiscal and human resources. Stacey also oversees late fee as-

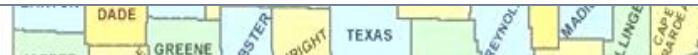
essment, monitors Sunshine Law compliance with the many requests for information received by the Commission, and assists members of the public with daily inquiries about Commission responsibilities.

Betsy Byers – Director of Business Services

Betsy has been the Director of Business Services for the Missouri Ethics Commissions since 2009. Betsy manages the Campaign Finance, Personal Financial Disclosure, Lobbyist and Training divisions of the Commission. Betsy is a former educator and County Clerk and Election Authority of Shelby County. Between 1999 and 2009, she headed up the Elections Division in the Secretary of State's office for Secretaries Cook, Blunt, and Car naham.

(Continued on page 3)

PFD Annual Filers



Political subdivisions with an annual operating budget (AOB) over \$1 million will be able to electronically submit their list of required annual Personal Financial Disclosure (PFD) filers to MEC (password info will be sent in November).

Upon logging in to the Political Subdivision e-Filer system, both last year's annual filers and last year's candidates will be displayed.

Inside this issue:

- Meet the MEC
- PFD Annual Filers
- Election News
- Campaign Finance
- Employee Spotlight
- In Case You Missed It
- Lobbyist Filing System

Carefully review each section, update each filer, and remove those no longer required to file.

Reminder: if an annual filer held the position at any time in 2018, that person is still required to file for the time period served. Each subdivision must notify those people whose names have been submitted. The MEC will also send notice to each filer in January. PFDs are due by May 1, 2019 (earlier if a candidate).

ELECTION NEWS

ATTENTION: Officials Accepting Declarations of Candidacy: Packets for 2019 Elections coming soon

- **Review the packet**
includes instruction letter, 2019 Guide to Ethics Law, PFD forms (AOB >\$1mil) & Notice to Candidate.
- **Review your Candidate Declaration form**
may include wording that candidate has no outstanding campaign finance reports due from prior elections.
- **Remember**, §130.071 RSMo prohibits candidates from taking office until all reports are filed.

! Be sure to discard all old election materials!

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Campaign Finance

OCTOBER

Committee Registration - If registering a new committee or amending current committee information use the new online Statement of Committee Organization.

REMEMBER to Print, Sign, and Mail to the MEC.

Campaign Finance Disclosure - In addition to the October Quarterly Report (due Oct 15th), the following reports may need to be filed for the Nov 6th General Election, even if a candidate is unopposed:

8 Day Before Election Report - only required if spent money (made contributions or expenditures (whether paid or incurred for that election.))

30 Day After Election Report - only required if:

1. spent money (made contributions or expenditures (whether paid or incurred)) for that election; **or,**
2. debt is more than \$1,000; and, if required, must be filed before taking office.

To determine if a committee must file an upcoming report, carefully answer the questions included in the reminder email sent to every committee for every election.

NOVEMBER

After Election Reminder

Candidates cannot take office until all campaign finance disclosure reports have been filed.

If unsuccessful, and have more money on hand than debt, terminate the committee. Sitting office-holders may keep their committee open until the end of term.

If more debt than money on hand, can convert to Debt Service Committee (may only accept contributions to pay off debt, no other activity).

If terminating a committee, any remaining funds must be dispersed.

See also brochures:

[After Election Requirements](#)

[Terminating a Committee](#)

[Contact the MEC](#) for additional guidance.

MEC Employee Spotlight: Mellisa Berger & Brooke Bell

The Commission welcomes two new investigators, Mellisa Berger and Brooke Bell. Mellisa has experience in law enforcement and most recently was with the Special Investigations Unit at the Department of Health and Senior Services. She has also owned and operated her own business.

Brooke Bell comes to the Commission from the Department of Insurance and Financial Institutions. Prior to that she was with the Department of Revenue. Brooke has experience in investigations, audits, and governmental and business accounting.

In Case You Missed It

Article VIII, Sec. 23 Reminder

As provided in Art. VIII, Sec. 23 candidate, exploratory and political party committees cannot accept monetary or in-kind contributions from corporations or labor organizations. See [website](#) for more info.

PAC to PAC Ruling

Portions of Article VIII, §23 have been challenged in federal litigation. On May 5, 2017, the Federal District Court issued [the ruling](#). The state appealed an injunction on PACs contributing to other PACs. That was the sole issue pending in the Eighth Circuit Court of Appeals. 17-2239 Free and Fair Election Fund vs. Missouri Ethics Commission.



On September 10, 2018, the Eighth Circuit upheld the injunction in [the opinion](#), finding the PAC to PAC prohibition unconstitutional.

The state is considering whether or not to appeal.

See also, Article VII, Section 23 FAQ [here](#)

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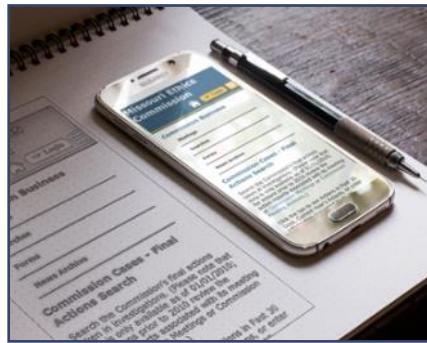


New Lobbyist Filing System

Beginning February 1, 2019, lobbyist expenditure reports will be filed in a new filing system. Lobbyists renewing their registrations in December of 2018 will have an opportunity to use the new system to begin the transition.

With the well-appreciated assistance of lobbyists who volunteered their input, the MEC IT Department has been working this past year to design a system that is mobile friendly and has features that include:

- Electronic filing of principal reports,
- Ability to enter an expenditure at the time it occurs using a mobile device, then saving it for reporting at a later date ,
- Recording multiple recipients for a single expenditure to be pro-rated,
- Filing a No Expenditure Report in just three simple clicks,
- Submitting a new lobbyist registration and paying the registration fee online.



Registered lobbyists are welcome to test the system before it goes live by contacting the IT Department at mecit@mec.mo.gov.

MEET THE MEC – SENIOR STAFF

(Continued from page 1)

Laura Elsbury – General Counsel

Laura is the Commission's new General Counsel. She is a graduate of Stephens College who spent 25 years in banking before attending the University of Missouri School of Law. For the past ten years, she was with the Missouri Attorney General's Office; which included collaboration with the MEC on several cases.

Craig Hollis – Director of Information Technology Services

Craig joined the Commission in April 2000 and has led the IT team since June 2015. Craig directs and supports the implementation of new electronic filing applications, hardware and software operations, and provides assistance to members of the public with various data requests and electronic filing assistance.

Della Luaders - Supervisor of Investigations

Della Luaders joined the MEC in 2006 after serving seven years as a Field Investigator in the Consumer Protection Unit of the Attorney General's office. Della has extensive experience in investigations and audits with a Masters in Criminal Justice and a Bachelor of Science in Finance and Business Management.



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